



JC06 Rec OCT/PTO 11 OCT 2005

10/519260

Docket No.: HO-P03082US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Scott McGrane

Application No.: 10/519,260

Confirmation No.: 2949

Filed: June 19, 2003

Art Unit: N/A

For: PALATABLE VEGETARIAN PET FOOD

Examiner: Not Yet Assigned

**SECOND RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND
RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Defective Response mailed September 1, 2005, Applicant respectfully submits a Declaration, a Supplemental Application Data Sheet, a copy of the Notification of the Recording of a Change in the corresponding international application PCT/AU2003/000762, a Petition for Extension of Time under 37 CFR 1.136(a) of two months, a copy of the Notification of Missing Requirements, and a copy of the Notification of Defective Response.

According to the Notification of Defective Response mailed September 1, 2005, Applicant's Response to Notification of Missing Requirements filed June 29, 2005 was incomplete due to an inconsistency in the inventor's name. On the international application PCT/AU2003/000762, the inventor's name was originally listed as Shane McGrane, but was then changed (please see enclosed Form PCT/IB/306) to Scott McGrane. The enclosed Declaration and Supplemental Application Data Sheet list the inventor's correct name, Scott McGrane. Applicants therefore request that the requirements set forth in the Notification of Missing Requirements be considered met. Applicant also requests that the publication of the

10/18/2005 MKAYPAGH 00000088 10519260

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450.00 OP

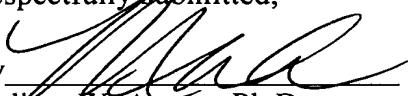
present U.S. application, projected to publish November 24, 2005 per the Notice of New or Revised Projected Publication Date, reflect the inventor's correct name, Scott McGrane.

Our check in the amount of \$450.00 covering the fee set forth in 37 CFR 1.17(a)(2) and 1.16(f) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P03082US0.

Dated: October 11, 2005

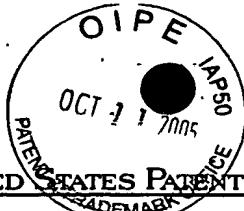
Respectfully submitted,

By


Melissa W. Acosta, Ph.D.

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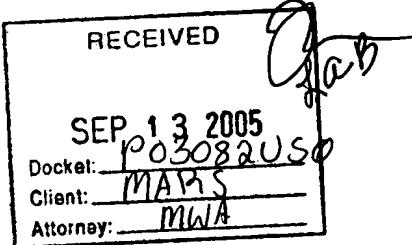


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/519,260	Shane McGrane	HO-P03082US0

26271
FULBRIGHT & JAWORSKI, LLP
1301 MCKINNEY
SUITE 5100
HOUSTON, TX 77010-3095



INTERNATIONAL APPLICATION NO.	
I.A. FILING DATE	PRIORITY DATE
06/19/2003	06/21/2002

CONFIRMATION NO. 2949
371 FORMALITIES LETTER
OC000000016926083
OC000000016926083

Date Mailed: 09/01/2005

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/21/2004
- Copy of the International Search Report filed on 12/21/2004
- Copy of IPE Report filed on 12/21/2004
- Preliminary Amendments filed on 12/21/2004
- Information Disclosure Statements filed on 06/29/2005
- Oath or Declaration filed on 06/29/2005
- U.S. Basic National Fees filed on 12/21/2004
- Priority Documents filed on 12/21/2004

Applicant's response filed 06/29/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/10/2005 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - The Declaration submitted on June 21, 2005 the inventor signed and it was indicated that the inventor's name is Scott McGrane. The International application and the Application Data Sheet indicates that the inventor is Shane McGrane.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR

1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

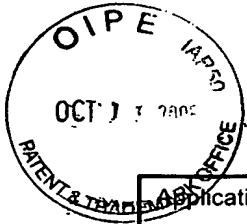
ULYSSES G WALKER

Telephone: (703) 308-9290 EXT 130

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,260	PCT/AU03/00762	HO-P03082US0

FORM PCT/DO/EO/916 (371 Formalities Notice)



Application No. (if known): 10/519,260

Attorney Docket No.: HO-P03082US0

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 678178064 US in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 11, 2005
Date

Julie Erwin

Signature

Julie Erwin
Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 651-5187
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)
Declaration for Utility or Design Patent Application (3 pages)
Part 2 Copy of Notice
Copy of Notification of Defective Response
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)
2nd Response to Notification of Missing Requirements (2 pages)
Copy of Notification of the Recording of a Change in international application
Transmittal (1 page)
Check in the amount of \$450.00



PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	Application Number 10/519,260-Conf. #2949 Filing Date June 19, 2003 First Named Inventor Scott McGrane Art Unit N/A Examiner Name Not Yet Assigned Attorney Docket Number HO-P03082US0
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ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Declaration Application Data Sheet Copy of Notification of the Recording of a Change of international application Part 2 Copy of Notice
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	Melissa W. Acosta, Ph.D.		
Date	October 11, 2005	Reg. No.	45,872



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 450.00)

Complete if Known	
Application Number	10/519,260-Conf. #2949
Filing Date	June 19, 2003
First Named Inventor	Scott Mcgrane
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	HO-P03082US0

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 06-2375 Deposit Account Name: Fulbright & Jaworski L.L.P.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input type="checkbox"/> Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

	<u>Small Entity</u>
Each claim over 20 (including Reissues)	50 25
Each independent claim over 3 (including Reissues)	200 100
Multiple dependent claims	360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- =	x	=	

<u>Multiple Dependent Claims</u>	
<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- =	x	=	

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3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/50	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1252 Extension for response within second month

450.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	45,872	Telephone	(713) 651-5407
Name (Print/Type)	Melissa W. Acosta, Ph.D.		Date	October 11, 2005	